

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

DOUGLAS HIRAM COLEMAN,

Case No. 16-CV-2650 (PJS/LIB)

Plaintiff,

v.

ORDER

DULUTH POLICE DEPARTMENT;  
MIKE TUSKEN, Police Chief, both  
individually and in his official capacity;  
DAVE DROZDOWSKI, Badge #427,  
Duluth Police Officer, both individually  
and in his official capacity; ROBERT  
LE CLAIRE, Badge #511, Duluth Police  
Officer, both individually and in his  
official capacity; CHICOS, Badge #302,  
Duluth Police Officer, both individually  
and in his official capacity; FOURTH  
STREET MARKET; MATTHEW  
THOMAS POTTER, proprietor/manager;  
and MS. DAESHA, both individually and  
in her official capacity,

Defendants.

---

Douglas Hiram Coleman, pro se.

This is a civil-rights action brought by plaintiff Douglas Coleman against two sets of defendants: (1) the Duluth Police Department, the Chief of Police of Duluth, and three Duluth police officers; and (2) the Fourth Street Market and two of its employees. Coleman alleges that he was assaulted at the Fourth Street Market by an unknown assailant on July 23, 2015, that the Duluth Police Department failed to adequately

investigate his assault, and that the Fourth Street Market and its employees failed to assist the Department with its investigation.

On November 16, 2016, Magistrate Judge Leo I. Brisbois filed a report and recommendation (“R&R”) recommending that all claims against the Duluth Police Department, the Fourth Street Market, and the two employees of the Fourth Street Market be dismissed. ECF No. 12. Coleman did not object to the R&R, and therefore the Court adopts it.

Coleman did, however, file a document styled “motion to dismiss.” ECF No. 13. In that motion, Coleman asked that, just as Judge Brisbois had recommended, all claims against the Duluth Police Department, the Fourth Street Market, and the two employees of the Fourth Street Market be dismissed. Given that the Court is adopting the R&R, the Court will deny Coleman’s motion as moot.

#### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,  
IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation of November 16, 2016 [ECF No. 12] is  
ADOPTED.

2. All claims against defendants Duluth Police Department, Fourth Street Market, Matthew Thomas Potter, and Ms. Daesha are DISMISSED WITH PREJUDICE AND ON THE MERITS.
3. Coleman's Motion to Dismiss [ECF No. 13] is DENIED AS MOOT.

Dated: January 17, 2017

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge